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SUBJECT: ELECTORAL REFORM BID DRAWS FLAK FROM POLITICAL PARTIES

SUMMARY

¶1. (SBU) New provisions in the electoral law promulgated by the Caretaker Government (CTG) are designed to clean-up Bangladesh's deeply corrupt politics. The major political parties, which historically have resisted internal reforms, have argued that some of the provisions are undemocratic and that they do not in any case have enough time to comply with the requirements for registration for Parliamentary elections scheduled for December. The Bangladesh Nationalist Party (BNP) already has refused to register with the Election Commission (EC) under the new provisions. Still, the Government is keen to have all parties compete in the election and could work out compromises during discussions with the parties scheduled in the coming weeks. End Summary

FAR-REACHING ELECTORAL CHANGES

¶2. (U) On August 19, the CTG published the Representation of the People (Amendment) Ordinance, 2008, which makes significant changes to the electoral law in effect since 1972. Under the amended ordinance, candidates must reveal information about their education, wealth, and any criminal records when they file to run for Parliament. Political parties must submit statements to the EC outlining election expenditures and sources of funds. Anyone seeking to run for Parliament for the first time as an independent must collect signatures from 1 percent of the people in their constituency.

¶3. (U) The ordinance mandates all political parties must register with the EC to contest Parliamentary elections; the deadline for the upcoming Parliament vote is October 15. Only parties that won at least one seat in Parliament in previous elections or that have functional central committees and offices in at least 10 districts and 50 sub-districts qualify. They cannot have student, labor, women or any other front organizations (which traditionally have provided strong electoral support to the parties). They also must amend party constitutions to ensure committees at all levels are elected and to set the goal of reserving one-third of those seats for women by ¶2020. They must ensure that local party structures have significant influence in the candidate selection process.

PARTIES RAISE OBJECTIONS

¶4. (SBU) Rejecting the ordinance, BNP Secretary General Khandker Delwar Hossain told the Embassy that his party simply could not comply with some of the provisions. He said restrictions on political activity under the State of Emergency and the short timeframe would make it impossible for the BNP Central Council to

amend the party constitution per the new law by the October 15 deadline. Barrister Abdur Razzaq, a leader of the BNP's alliance partner Jamaat-e-Islami (JI), said his party already fulfilled almost all the requirements set forth by the EC for registration but had not yet made a decision on whether to register.

15. (SBU) Awami League Acting General Secretary Syed Ashraful Islam criticized some of the new electoral provisions but did not outright reject the new ordinance. Islam told the Embassy that his party would try to reach a compromise through its dialogue with the EC, due to resume in early September. He said he approved of much of the new law but added that it contained what he described as undemocratic provisions, such as the prohibition on front organizations. He also questioned the provision for allowing voters to cast a "no vote" in Parliamentary elections, saying it was not clear how that would improve democracy. Islam said his party might be able to hold a council meeting by the end of September if the government lifted or significantly relaxed the state of emergency.

16. (SBU) A High Court bench on August 28 ordered the government to explain the constitutionality of the sections on reserving political positions for women, on demanding conformity of party objectives to the constitution, and on non-discrimination regarding religion, race, caste, language or sex in the party constitutions. The BNP Secretary General promised more legal challenges to come, saying the CTG had no constitutional authority to make major policy decisions.

CTG ACKNOWLEDGES PROBLEMS, PROMISES FLEXIBILITY

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17. (SBU) Law Adviser A.F. Hassan Ariff acknowledged both the poor timing of the new ordinance and the legitimacy of political party complaints that it would be difficult to adopt the stipulated reforms for the December elections. Ariff said the amendments would have been welcomed by the people if made soon after the state of emergency declaration in January 2007, when there was a nationwide clamor for political reform to battle widespread graft and violence. Ariff said the government would favorably consider any EC proposal to relax some provisions of the Emergency Power Rules if it helped the political parties hold council meetings in a timely fashion to adopt the required reforms. Meanwhile, the EC has invited major political parties for separate meetings to discuss party registration issues. Notably, the EC invited the mainstream BNP leaders, who were excluded from initial rounds of dialogue in favor of reformists.

COMMENT: NEW LAWS UNLIKELY TO DERAIL ELECTIONS

18. (SBU) While there are legitimate practical concerns over compliance and time constraints, the lengthy foot-dragging among political parties with respect to any meaningful reforms suggests they hope to resist such change. The new reforms have the potential to promote transparency in party financing, internal party democracy, and women's participation, all of which could challenge the entrenched power of party leaders. The BNP in particular is a top-down organization, the legacy of its founder, Ziaur Rahman. Still, the CTG has made clear it wants all political parties to participate in the Parliamentary elections to ensure they are perceived as free, fair and credible. That suggests the EC and the Caretaker Government are likely to be responsive to at least some of the parties' complaints.

MORIARTY